



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 11, 2020

**BY ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

RE: *United States v. Juan Ramirez* 98 Cr. 438 (PGG)

Dear Judge Gardephe:

On August 26, 2020, the United States Court of Appeals for the Second Circuit issued an order permitting defendant Juan Ramirez leave to file a second successive petition under 28 U.S.C. § 2255 pursuant to *Johnson v. United States*, 135 S. Ct. 2551 (2015) and *United States v. Davis* 139 S. Ct. 2319 (2019). On September 1, 2020, this Court directed the Government to respond to the defendant's petition by September 15, 2020.<sup>1</sup>

**MEMO ENDORSED**

The Application is granted.

SO ORDERED:

  
Paul G. Gardephe, U.S.D.J.


Dated: September 15, 2020

<sup>1</sup> Following the defendant's conviction at trial, on April 22, 2002, Judge Carter sentenced the defendant to life imprisonment on Counts One, Two, Four, Five, Fifteen, and Sixteen; twenty years' on Counts Eight through Fourteen; and ten years' on Counts Nineteen and Twenty-Five, all of which imposed as concurrent sentences to each other. Judge Carter also imposed five years' imprisonment on Count Twenty-One to run consecutive to these sentences, and twenty years' imprisonment on each of Counts Twenty-Two and Twenty-Three to run consecutive to each other and to all of the other sentences. The defendant's petition seeks to vacate only Counts Twenty-One, Twenty-Two, and Twenty-Three. In other words, the defendant currently faces a sentence of life imprisonment with a consecutive term of forty-five years imprisonment and through his petition seeks to vacate only the final consecutive forty-five years of imprisonment. As a result, even should the defendant's relief be granted, the defendant will still face a term of life imprisonment.

The Government hereby requests an additional four weeks to respond to the defendant's petition, until October 13, 2020. This additional time will permit the Government to pull any necessary records from storage in order to respond to the defendant's petition.

Respectfully submitted,

AUDREY STRAUSS  
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Southern District of New York

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cc: Juan Ramirez (by Mail)